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PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q62568

Michio MASUDA, et al.

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SEP 10 2002

Appln. No.: 09/752,520

Group Art Unit: 2152

Confirmation No.: 9986

Examiner: Unknown

Filed: January 3, 2001

Technology Center 2100

For: **MULTI-LAYER CLASS IDENTIFYING COMMUNICATION APPARATUS WITH
PRIORITY CONTROL****INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) (substitute for PTO Form 1449) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Japanese Unexamined Patent Publication No. 11-331257, published November 30, 1999. (This reference was previously submitted to the U.S. Patent and Trademark Office with an IDS on June 21, 2002.)
2. Japanese Unexamined Patent Publication No. 09-331348, published December 22, 1997.

One copy of Reference No. 2 is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution

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Information Disclosure Statement

application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Japanese Office Action dated July 5, 2002 with an English translation of the pertinent portions thereof which cite such documents and indicate the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



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Reasons

The inventions in the claims listed below in the present application could have been invented easily by an individual having a common knowledge of the field of technology containing the invention as it stood, prior to the date of application, based on inventions described in the publications listed below that were distributed in Japan or in foreign countries prior to the application, and thus they are ineligible to receive patent protection based on the stipulations of Section 2 Article 29 of the Patent Law.

Annotations

- * Claims: 1 – 10
- * Publications
 - 1. Unexamined Patent Application Publication H 11-331257
 - 2. Unexamined Patent Application Publication H 9-331348

Comments

[Claims 1 – 10]

Cited Example 1 describes traffic control based on the priority level after determining a priority level for a packet based on the port number that is set in the TCP/UDP packet as the method for controlling traffic between networks in a router. In addition, performing scheduling and polling in order to control traffic is well known in the industry.

Cited Example 2 describes determining the type of protocol from the destination IP address and port number of the packet, and selecting the appropriate route according to the characteristics of said protocol. (In particular, see Claim 2 and paragraph [0010].)

Consequently, an individual in the industry could easily arrive at applying Cited Example 2 to Cited Example 1 in order to determine the priority level from the IP address and from the port number and creating a structure that controls the traffic based on the priority level, thereby creating the structures according to Claims 1 through 10 of the present application.